

CLERK OF THE COURT
US DISTRICT COURT
400 S. Virginia St #301,
Reno, NV 89501

August 14, 2015

SUBJECT: Request Clerks help for Assistance

CASE: Heyden V Carnevale *et al*; 3:15-cv-00226-MMD

Dear Sir;

I am requesting your assistance in correcting an error made when I filed my above verified complaint.

It was a new and separate action, which case in chief is for violations of FDCPA, and Nevada NRS 649.005. Copy of filed complaint on April 23, 2015 is attached.

You will notice that in the Pleadings: Verified Complaint, Civil cover sheet and in the Summons, (all attached) are all correctly filled out as they were intended to be filed by me, Heyden (Plaintiff) vs Carnevale *et al* (Defendant's).

There was a secondary pleading filed, Removal of the lower court (traffic tickets) which is a separate and subsidiary secondary filing entered at the same time. But even so, you will notice that I placed myself as Plaintiff and them as Defendants (Heyden vs Carnevale *et al*).

Somehow there became some confusion as to the Removal(s) and were placed (incorrectly) into the record as filing as case in chief (primary filing).

There appears in your record that the entire case is listed as:

State of Arizona v. Randy Heyden;

That the Removal(s) became primary


That the FDCPA Verified Complaint became secondary (or non-existent).

I am asking the Clerks help in correcting this matter either by:

1. Properly correcting the record to reflect my intentions when I paid and filed the Case, or;
2. Refunding my filing fee of \$400 (or issuing a credit in that amount) so I may refile just the FDCPA case by itself (so there will not be any confusing).

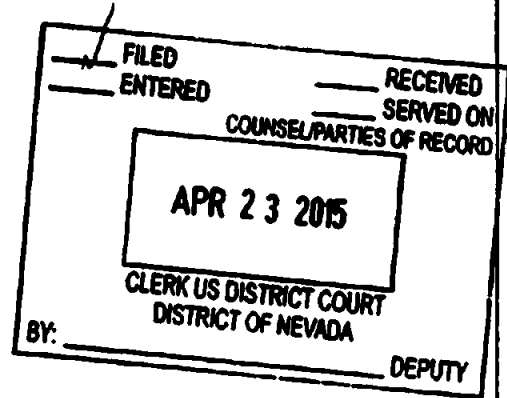
Any assistance you can give me will be appreciated, please advise of which of the above you can do for me.

Respectfully Submitted:


Randy Heyden
PO Box 3600
Stateline, Nevada 89449

FILED ENTERED	RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
AUG 17 2015	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

Randy Heyden
PO Box 3600
Stateline, Nevada 89449
Phone 707-486-4486
rjrand88@gmail.com



**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

3:15-cv-00226

RANDY HEYDEN,
Plaintiff,
vs.

TAMMY W. CARNEVALE, an individual
QUARTZSITE JUSTICE COURT OF THE
STATE OF ARIZONA, COUNTY OF LA
PAZ, a corporation,
Defendants.

Case No.:
VERIFIED COMPLAINT FOR
VIOLATIONS OF:
FDCPA 15 U.S.C. § 1692 *et seq.*
And
NEVADA NRS 649.005 *et seq.*
JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, Randy Heyden, individually, hereby sues Defendants TAMMY W. CARNEVALE, an individual and the QUARTZSITE JUSTICE COURT OF THE STATE OF ARIZONA, COUNTY OF LA PAZ, a corporation for violations of the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. § 1692, and the Nevada Fair Debt Collection Practices Act NRS 649.005 *et seq.* (NRS).

NATURE OF ACTION

1
2 1. This is an action for damages brought by plaintiff for Defendant's violations
3 of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter
4 "FDCPA"), the Nevada Fair Debt Collection Practices Act NRS 649.005 *et seq.*
5 (hereinafter "NRS"), which prohibit debt collectors from engaging in abusive,
6 deceptive, and unfair practices.
7

8
9 2. Plaintiff seeks to recover monetary damages for Defendant's violation
10 of the FDCPA, the NRS, and to have an Order or injunction issued by this Court
11 preventing Defendant from continuing its volatile behaviors.
12

13 3. Service may be made upon Defendant in any other district in which it
14 may be found pursuant to 29 U.S.C. § 1132(e)(2).
15

JURISDICTION AND VENUE

16
17 4. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. §
18 1331, and 28 U.S.C. § 1337. The court has supplemental jurisdiction over state law
19 claims.
20

21
22 5. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where
23 Plaintiff resides in this district. All conditions precedent to the bringing of this
24 action have been performed, waived or excused.
25

26 //
27
28

PARTIES

6. Plaintiff, Randy Heyden ("Plaintiff"), is a natural person residing in the city of Stateline, state of Nevada.

7. Plaintiff is a consumer as defined by the FDCPA, 15 U.S.C. §1692a(3) and protected by the Nevada Revised Statutes, Fair Debt Collection Practices Act.

8. Defendant, Tammy W. Carnevale, is a natural person and is sued in her individual capacity as a member of the Quartzsite Justice Court doing business in Arizona with its principle business location at 555 N. Plymouth in the city of Quartzsite, state of Arizona.

9. QUARTZSITE JUSTICE COURT OF THE STATE OF ARIZONA, COUNTY OF LA PAZ ("Defendant") is a Corporate person who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a "debt" from Plaintiff, as defined by 15 U.S.C. §1692a(5) and acting as a "Collection Agency" as defined by the NRS 649.020.

10. Defendant is a Corporate Person and is authorized to do business in Arizona with its principle business location at 555 N. Plymouth, city of Quartzsite in the state of Arizona.

11. Defendants are "debt collectors" as defined by 15 U.S.C. § 1692a(6) and a "Collection Agent" as defined by the NRS 649.025.

//

FACTUAL ALLEGATIONS

12. Plaintiff is a natural person allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than Defendant.

13. Plaintiff's obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant, arises from a transaction or action in which the money, property, insurance, or services that are the subject of the transaction were incurred primarily for personal, family, or household purposes and Plaintiff incurred the obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant.

14. Defendants use instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another.

15. In connection with the collection of an alleged debt, Defendant sent initial written communication to Plaintiff on an Account TR2015-00228-Case No: J1504-TR2015-00228-Citation/complaint #10023962, hereinafter DEBT on January 21, 2015 and required him to appear on March 26, 2015. Plaintiff faxed and mailed a notice of dispute of debt on April 09, 2015.

//

//

1 16. On March 4, 2015 Plaintiff advised Defendants by faxing and mailing a
2 NOTICE AND DEMAND FOR ABATEMENT AND NOTICE OF
3 WITHDRAWAL OF PLEA OF NOT GUILTY.
4

5 17. On April 2, 2015 Plaintiff communicated with Defendants regarding the
6 continued collection attempts in a letter sent to the Clerk of the Court by fax and
7 US Mail.
8

9 18. On April 7, 2015, Defendants continued collection attempts by mailing an
10 ORDER DENYING DEMAND FOR DISMISSAL, and demanded again that
11 Plaintiff either pay 2,797.30 dollars or appear in their court on April 28, 2015.
12

13 19. On April 9, 2015 Plaintiff again disputed the debt by submitting a written
14 NOTICE OF DISPUTE OF DEBT, TITLE 15 USC 1692 et seq, sent by fax and
15 US Mail and filed into the court case.
16

17 20. Defendants failed to meaningfully convey the required disclosures,
18 constituting an unfair and deceptive act in connection with the collection of an
19 alleged debt. (15 U.S.C. §§ 1692e(10), 1692g(a)(4), 1692g(a)(5)).
20

21 21. Defendants' actions constitute conduct highly offensive to a reasonable
22 person, and as a result of Defendant's violations, Defendant is liable to Plaintiff for
23 Plaintiff's actual damages, statutory damages, and costs and attorney's fees.
24

25 //

26 //

COUNT I
VIOLATION OF FDCPA

22. Plaintiff repeats and re-alleges each and every allegation contained above.

23. Defendants aforementioned conduct violated the FDCPA.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendants violated the FDCPA;
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k, in the amount of \$1,000.00;
- c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;
- d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- e) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- f) Injunctive relief prohibiting Defendant any further collection activity regarding Account TR2015-00228-Case No: J1504-TR2015-00228-Citation/complaint #10023962.
- g) Awarding such other and further relief as the Court may deem just and proper.

COUNT II
VIOLATION OF NRS FDCPA

24. Plaintiff repeats and re-alleges each and every allegation by reference herein all prior paragraphs above.

25. Defendants violated 649.375 of the NRS as a prohibited practice by placing with Plaintiff papers requiring Plaintiff to appear repeatedly and continuously as a pretense or deceptive means to collect any debt.

26. Defendants violated 649.332 of the NRS by placing with Plaintiff papers requiring Plaintiff to reappear without verification of debt.

27. Defendants violated 649.334 of the NRS by continuously failing to clarify and verify written agreement to be intelligible and unambiguous.

28. Defendants violated 649.370 of the NRS by continuously failing to comply with the statutory regulations contained within the FDCPA, 15 U.S.C. §1692 *et seq.*

a. Defendants violated 15 USC §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff.

b. Defendants violated 15 USC §1692d.5 of the FDCPA by repeatedly causing and demanding Plaintiff to either pay money or appear in their court with the intent to threaten, annoy, abuse, and harass Plaintiff.

1 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

2 a) Adjudging that Defendants violated the United States FDCPA and the
3 same for the Nevada state FDCPA.
4

5 b) Awarding Plaintiff statutory damages, pursuant to NRS 649.440 in the
6 amount of \$10,000.00;
7

8 c) Awarding Plaintiff actual damages, pursuant to Title 15 U.S.C. §1692k;

9 d) Awarding Plaintiff reasonable attorney fees and court costs incurred in
10 this action;
11

12 e) Awarding Plaintiff any pre-judgment and post-judgment interest as
13 may be allowed under the law;
14

15 f) Injunctive relief under 649.400 of NRS prohibiting Defendant any further
16 collection activity regarding Account TR2015-00228-Case No: J1504-
17 TR2015-00228-Citation/complaint #10023962.
18

19 g) Awarding such other and further relief as the Court may deem just and
20 proper.

21 **TRIAL BY JURY**

22
23 29. Plaintiff is entitled to and hereby demands a trial by jury.

24 DATED: April 20, 2015

Respectfully submitted by

25
26 
27 Randy Heyden
28

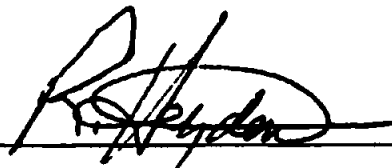
VERIFICATION OF COMPLAINT AND CERTIFICATION

Plaintiff, RANDY HEYDEN, is competent to testify and declares the following to be true, correct and not misleading:

1. I, Randy Heyden, am the Plaintiff in this civil proceeding.
2. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
3. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
4. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, Randy Heyden, hereby declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

DATE: April 20, 2015 by,



Randy Heyden, plaintiff

CIVIL COVER SHEET

5:15-cv-00226

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

HEYDEN, Randy

DEFENDANTS

CARROLL, TAMMY W
SHERMAN, JUSTICE COURT

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

DOUGLAS
FILED
ENTERED

County of Residence of First Listed Defendant

LA PAZ

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number)

APR 23 2015

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

CLERK U.S. DISTRICT COURT
DISTRICT OF NEVADA

DEPUTY

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question

(U.S. Government Not a Party)

☐ 2 U.S. Government Defendant☐ 4 Diversity

(Indicate Citizenship of Parties in Item III)

Citizen of This State

PTF DEF

☒ 1 ☐ 1

Incorporated or Principal Place of Business in This State

PTF DEF

☐ 4 ☐ 4

Citizen of Another State

☐ 2 ☐ 2

Incorporated and Principal Place of Business in Another State

☐ 5 ☒ 5

Citizen or Subject of a Foreign Country

☐ 3 ☐ 3

Foreign Nation

☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

- ☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

PERSONAL INJURY

- ☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury
☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY

- ☐ 365 Personal Injury - Product Liability
☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability
☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY

- ☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

- ☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 690 Other

- ☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

- ☐ 820 Copyrights
☐ 830 Patent
☐ 840 Trademark

- ☐ 375 False Claims Act
☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☒ 480 Consumer Credit

- ☐ 490 Cable/Sat TV
☐ 850 Securities/Commodities/Exchange
☐ 890 Other Statutory Actions
☐ 891 Agricultural Acts
☐ 893 Environmental Matters
☐ 895 Freedom of Information Act
☐ 896 Arbitration
☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
☐ 950 Constitutionality of State Statutes

- ☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

- ☐ 440 Other Civil Rights
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/Accommodations
☐ 445 Amer w/Disabilities - Employment
☐ 446 Amer w/Disabilities - Other
☐ 448 Education

Habeas Corpus:

- ☐ 463 Alien Detainee
☐ 510 Motions to Vacate Sentence
☐ 530 General
☐ 535 Death Penalty
☐ Other:
☐ 540 Mandamus & Other
☐ 550 Civil Rights
☐ 555 Prison Condition
☐ 560 Civil Detainee - Conditions of Confinement

- ☐ 710 Fair Labor Standards Act
☐ 720 Labor/Management Relations
☐ 740 Railway Labor Act
☐ 751 Family and Medical Leave Act
☐ 790 Other Labor Litigation
☐ 791 Employee Retirement Income Security Act

- ☐ 462 Naturalization Application
☐ 465 Other Immigration Actions

- ☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding☐ 2 Removed from State Court☐ 3 Remanded from Appellate Court☐ 4 Reinstated or Reopened☐ 5 Transferred from Another District (specify):☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 USC 1692 et seq

Brief description of cause:

FDCPA

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

STATUTORY

CHECK YES only if demanded in complaint.

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

DOCKET NUMBER

DATE APRIL 20, 2015

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

COPY

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of Nevada

RANDY HEYDEN

Plaintiff(s)

v.

TAMMY W. CARNEVALE;
QUARTZSITE JUSTICE COURT OF THE STATE
OF ARIZONA, COUNTY OF LA PAZ_____
Defendant(s)

Civil Action No. 3:15-cv-00226

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* TAMMY W. CARNEVALE;
 QUARTZSITE JUSTICE COURT OF THE STATE OF ARIZONA, COUNTY OF LA
 PAZ
 555 N. Plymouth, Quartzsite, Arizona. 85346

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

RANDY HEYDEN
 276 KINGSBURY SQ. Ste. 104
 PO BOX 3600
 STATELINE, NEVADA 89449

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court

Date:

4/23/2015

CLERK OF COURT

J. C. Carter

Signature of Clerk

